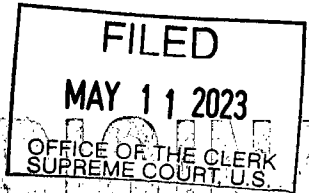


22-1127

No. _____



**In the
Supreme Court of the United States**

CHRISTINE SAWICKY,

Petitioner,

v.

TAO SYKES, ET AL.,

Respondents.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit**

PETITION FOR A WRIT OF CERTIORARI

Christine Sawicky
Petitioner Pro Se
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QUESTIONS PRESENTED FOR REVIEW

1. How can the DOJ bring multiple indictments for judges in several circuits, inclusive of counts for honest services fraud and bribery, but then represent the federal judges in *Christine Sawicky v. Tao Sykes et al.*, claiming that bribery of a judge does not pierce the veil of judicial immunity?

2. What constitutional safeguards exist to secure a *pro se* litigant's 14th Amendment due process rights and equal protection under the laws in the United States?

3. Does a *pro se* plaintiff/petitioner enjoy the same constitutional safeguards as those retained by represented parties?

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Christine Sawicky

Respondents and Defendants-Appellees below

- Tao Sykes (Manuel Real Beneficiary)
- Percy Anderson
- Philip S. Gutierrez
- Renico Smith
- Paul Watford
- Michael Duggan
- Craig Mende
- Barbara Solomon
- Sean F. Harb
- Kevin Lussier
- Kim D. Ashley
- Josh Sapan
- Michael Ventura
- Arturo Sandoval
- Michael Soliman
- Richard Parks
- Charles Schlund
- Megan J. Brennan
- Louis DeJoy
- Gabrielle Taylor, and
- DOES 1-10, inclusive

LIST OF PROCEEDINGS

Direct Proceedings Below

U.S. District Court, Central District of California

Case No. 2:21-cv-09023-RGK

Christine Sawicky, Plaintiff v. *Tao Sykes*
(*Manuel Real Beneficiary*); *et al.*, Defendants.

Date of Omnibus Order of Dismissal: April 22, 2022

United States Court of Appeals for the Ninth Circuit
No. 22-55496

Christine Sawicky, Plaintiff-Appellant, v.
Tao Sykes (*Manuel Real Beneficiary*); *et al.*, Defendants-Appellees.

Date of Final Order: October 20, 2022

Date of Rehearing Denial: February 22, 2023

Related Proceedings

U.S. District Court, Central District of California

Case No. CV-114-PA (MRWx)

Christine Sawicky, Plaintiff *v. AMC Networks Inc., a Delaware Corporation, Does 1-10, Inclusive*, Defendants

Date of Order Entering Judgment on the Pleadings:
July 11, 2018

United States Court of Appeals for the Ninth Circuit

No. 18-56067

Christine Sawicky, Plaintiff-Appellant *v.*
AMC Networks Inc., a Delaware Corporation,
Defendant-Appellee

Date of Opinion: February 21, 2019

Date of Rehearing Denial: May 23, 2019

Supreme Court of the United States

No. 19-5206

Christine Sawicky v. AMC Networks, Inc., et al.

Petition Denied: November 12th, 2019

Rehearing Denied: January 13th, 2020

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OPINIONS BELOW

The Order of the U.S. Court of Appeals for the Ninth Circuit, dated October 20, 2022, is reproduced in the appendix to this petition at App.1a-2a. The Omnibus Order of Dismissal of the U.S. District Court, C.D. California, dated April 25, 2022 is included at App.11a-26a.



JURISDICTION

The Ninth Circuit denied a timely petition for rehearing en banc on February 22, 2023. A copy of the order denying rehearing en banc appears at App.39a.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

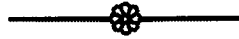


CONSTITUTIONAL PROVISIONS

U.S. Const. amend XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any state deprive any person of life, liberty, or property, without due process of law;

nor deny to any person within its jurisdiction the equal protection of the laws.



STATUTORY PROVISIONS

A. Federal Statutes

18 U.S.C. § 1962(c), (d) —Civil RICO

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participated, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provision of subsection (a), (b), or (c) of this section.

18 U.S.C. § 1341— Mail Fraud Statute

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or imitated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized

depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. § 1343—

Fraud by Wire, Radio, or Television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or

both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. § 1503.—Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats of force, or by any threatening letter in communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a

criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case. (b) The punishment for an offense under this section is—(1) in the case of a killing, the punishment provided in sections 1111 and 1112; (2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and (3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

18 U.S.C. § 1504—Influencing Juror by Writing

Whoever attempts to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any written communication, in relation to such issue or matter, shall be fined under this title or imprisoned not more than six months, or both. Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury.

18 U.S.C. § 1505.—Obstruction of Proceedings before departments, agencies, and committees

Whoever with the intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with

any civil investigation demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impeded the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

18 U.S.C. § 1519—Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States, or any case filed

under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

42 U.S.C. § 1983

Civil Action for Deprivation of Rights

Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

P.L. 117-125

Courthouse Ethics and Transparency Act

Requires that federal judges' financial disclosure reports be made publicly available online and mandates that federal judges submit periodic reports of securities transactions in line with other federal officials under the STOCK Act.

B. California Statutes**Cal. Penal Code § 92****Bribes; judicial officer, juror, etc.; giving or offering; punishment:**

Every person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, is punishable by imprisonment in the state prison for two, three or four years.

Cal. Penal Code § 93**Bribes; judicial officer, juror, etc.; asking or receiving; punishment**

(a) Every judicial officer, juror or referee, arbitrator, or umpire, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his or her vote, opinion, or decision upon any matters or question which is or may be brought before him or her for decision, shall be influenced thereby, is punishable by imprisonment in the state prison for two, three, or four years and, in cases where no bribe as actually been received, by a restitution fine of not less than two thousand dollars (\$2000) or not more than ten thousand dollars (\$10,000) or, in cases where a bribe was actually received, by a restitution fine of at least the actual amount of the bribe received or two thousand dollars (\$2000), which-

ever is greater, or any larger amount of not more than double the amount of any bribe received or ten thousand dollars (\$10,000), whichever is greater. (b) In imposing a restitution fine under this section, the court shall consider the defendant's ability to pay the fine.

Cal. Civ. Code § 1709—Fraudulent Deceit

One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damage which he thereby suffers. Enacted 1872.

C. Common Law

Common Law Fraud

Fraudulent or intentional misrepresentation where the (1) defendant represented to another that a fact was true; (2) the representation was actually false; (3) the defendant knew the representation was false (or was reckless about its truth); (4) the defendant intended the other person to rely on the statement; (5) the other person did rely on the statement; (6) the other person was harmed by the reliance; or (7) the plaintiff's reliance on the defendant's representation was. Substantial factor in causing the harm suffered.

Additionally, California law makes an employer liable for an employee's negligence, recklessness, or intentional wrongful acts when the employer knew or should have known that the employee was a risk to others.



JUDICIAL RULES

Fed. R. Civ. P. 60(a)

Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During pendency of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

Fed. R. Civ. P. 60(b)(1)

On motion and upon such terms are just, the court may relieve a party of his legal representative from a final judgment, order or proceeding for mistake, inadvertence, surprise, or excusable neglect.

Fed. R. Civ. P. 60(b)(2)

On motion and upon such terms are just, the court may relieve a party of his legal representative from a final judgment, order or proceeding for newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b)

Fed. R. Civ. P. 60(b)(4)

On motion and upon such terms are just, the court may relieve a party of his legal representative from a final judgment, order or proceeding for the judgment is void

Fed. R. Civ. P. 60(d)(3)

Relief from a Judgment or Order—to set aside a judgment or order because of fraud on the court. It is necessary to show “an unconscionable plan or scheme which is designed to improperly influence the Court in its decision.” (*see England v. Doyle*, C.A. 9th, 1960, 281 F.2d 304, 309)

Supreme Court Rule 10(a)

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following although neither controlling nor fully measuring the Court’s discretion, indicate the character of the reasons the Court considers (a) a United States Court of Appeals has entered a decision in conflict with decision of another United States Court of Appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of the Court’s supervisory power.

C.D. Cent. Calif. L.R. 7-3

Meet and Confer—[Unless otherwise provided for in these Rules], counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential resolution. If the proposed motion is one which under the Fed. R. Civ. P. must be filed within a specified period of time (*e.g.*, a motion

to dismiss pursuant to Fed. R. Civ. P. 12(b)) . . . the conference shall take place at least five (5) days prior to the last day for filing the motion; otherwise, the conference shall take place at least twenty (20) days prior to the filing of the motion.



STATEMENT OF THE CASE

A. Overview

In the most expansive investigation of judicial stockholdings in the United States., the Wall Street Journal in September 2021 revealed that 131 federal judges broke the law by improperly hearing 685 court cases between 2010 and 2018 in which they or their family members owned stock shares of companies that were plaintiffs or defendants in the litigation. (Ex.2, App.44a) Petitioner filed a copyright lawsuit in the Central District of California on January 5th, 2018 christened *Christine Sawicky v. AMC Networks, Inc., et al.* (Case # 2:18-cv-00114-MRW & Case # 2:18-cv-00114-PA(MRWx) That complaint alleged that AMC infringed upon her “Sons of the Legends” copyrighted works with its television program “Growing Up Hip Hop.” Sawicky appended numerous documents displaying exact copying for that case that Real suppressed. (Ex.3, App.45a-46a)

Unbeknownst to Petitioner at the time, her copyright lawsuit fell victim to the Wall Street Journal findings hence the filing of *Christine Sawicky v. Tao Sykes et al* (case # 2:21-cv-09023-RGK). Manuel Real, a knowingly compromised federal judge, skirted the safeguards in his impeachment hearing for high

crimes and misdemeanors that took place on September 21st, 2006 congressional records and interviews show. (Ex.4, App47.a-50a) That was Petitioner's judge in *Sawicky v. AMC*. In 2006, Molly Dwyer, clerk of the court for the 9th U.S. Circuit Court of Appeals, disclosed her familiarity with Real's financial disclosures misconduct while admitting that "we are not policing the judges . . . we are accepting them at their word." (Ex.5, App.51a) That was in 2006. Dwyer knew Real had displayed a pattern of ruling in favor of companies that he owned stock in. (Ex.6, App.52a) She knew Verizon was one of those companies which has a long-term carriage deal with AMC. (Ex.7, App. 53a-55a)

This financial racket is nothing new to the Central Dist. of CA/9th Cir. Appellate courts. For over a decade the fox has been guarding the hen house. (Ex.1, App. 40a-43a) Real became the predominant pedagogue opening the floodgates of fraud on/by the court by illegally altering the outcomes of judicial proceedings via bribery/kickbacks which resulted in hundreds/thousands of dollars in personal financial gains. Upon the passing of Real, *Sawicky v. AMC* was transferred to Percy Anderson to rule on her fraud on the court motion.

Anderson was no different than Real. He had utilized the same tactics as Real to dispose of copyright cases. He also has a history of deciding in favor of companies that he owns stock in. In 2008, Percy Anderson duplicated Real's unethical financial racket. Judge Anderson should have recused himself in *United States v. Stuart H. Wolff*, 263 Fed. Appx. 612 (9th Cir. 2008) because he owned stock in AOL which constituted a financial interest in the subject matter

in controversy. (Ex.8, App.56a-69a) AOL is also partnered with AMC which was acquired by Verizon in 2015. (Ex.9, App.70a-71a)

Michael R. Wilner was the plaintiff's attorney in *United States v. Stuart H. Wolff* so he knew of Anderson's stock ownings in AOL because he had him removed from that case. (Ex.8, App.56a-69a) Michael R. Wilner was also the magistrate judge for *Sawicky v. AMC*. (Ex.10, App.72a-73a) The cycle of corruption and personal financial interest while victimizing Americans everywhere persists. (Ex.1, App.40a-43a)

They all know which violates CA's own negligent hiring and supervision law. But none of the above stated instances matter because the problem is being reported to the problem which is why Sawicky tried to transfer the venue. "Our Courts have consistently held that fraud vitiates whatever it touches, *Morris v. House*, 32 Tex. 492 (1870)". Americans everywhere are at the mercy of these judges that continuously commit Honest Services Fraud in violation of Mail & Wire Fraud, 18 U.S.C. §§ 1341, 1343, & 1346 and the California Penal Code 92 and 93. A Judicial system that was once held with high regard is tainted and currently rewards the very enemies of the U.S. and the Constitution. Given that when an attorney requests the Financial Disclosures on any federal judge, upon receipt of a properly requested AO-10A form, that judge is notified of such request. Attorneys are controlled opposition as this creates an environment of fear and possible professional retaliation. A *pro se* litigant is the only viable loophole to bypass this professional control.

However, *pro se* litigants do not enjoy the same constitutional safeguards as those retained by repre-

sented parties. Petitioner filed a RICO lawsuit because her 14th Amendment constitutional rights were being violated in *Sawicky v. AMC* and now again in this case. There is no “equal protection under the law” nor “due process” for *pro se* litigants Petitioner’s lawsuits display. *Sawicky v. Sykes* was nothing more than an attempt by Petitioner to double down on the *Wall Street Journal* findings with the hope of holding those breaking the laws accountable. Congress sure isn’t going to do it. In 2021 Congress paraded around Washington D.C. pretending to provide a resolution to the Wall Street Journal’s findings by stating that the judge’s disclosures are now available online via their database (the Courthouse Ethics and Transparency Act.) That was all just theatre because the judges are still not being policed and some judges you cannot even locate in the new database. *Pro Publica*’s article from 4/6/2023 shows it continues on as Justice Thomas takes luxury trips and hangs out at Crow’s private resort with Verizon executives. (Ex.11, App.74a, Ex.1, App.40a-43a) In addition, he failed to report a real estate deal with Texas billionaire in violation of the financial disclosures rules. It is all just a facade.

Petitioner has absolutely no professional skin in the game. Petitioner has been able to withstand the storm of intimidation and numerous financial threats put on display by Respondents and the lower courts in her effort to expose the “Good Ole Boys RICO enterprise.” They have engaged in unethical/illegal behavior in both *Sawicky v. AMC* and *Sawicky v. Sykes* which includes (but not limited to) the suppression of over 200 exhibits, illegally altering the docket, falsification of the timeliness of legal documents filed by Petitioner, manipulation of court rules, misciting case

law, consistent advancement of misstatement of material facts, and even utilizing fictitious case law reserved for the disposition of *pro se* complaints. Every document filed by opposing counsel and the lower courts in *Sawicky v. Sykes* contains falsification of facts from the complaint and manipulated versions of case law/court rules. The Dist. Court Order dismissing Petitioner's Complaint in its entirety was nothing more than a gaslighting attempt by the U.S. Atty's office of CA and opposing counsel to allow the "Good Ole Boys RICO enterprise" to continue in CA.

This is not practicing law nor a court system. It is an illegal profit-making RICO enterprise displaying absolute bias and abuse of discretion on multiple levels. It appears after 3 judges recued themselves from *Sawicky v. Sykes* that the Order dismissing all Respondents and this case was written by opposing counsel /U.S. Attys Office and signed by possibly the clerk. It wasn't signed by the judge. (Ex.12, App.75a) There seems to be no evidence that the Honorable Klausner had anything to do with this case as the lower courts admittedly didn't read the RICO Complaint. (App25a-26a) "Our district courts are busy enough without having to penetrate a tome approaching the magnitude of *War and Peace* to discern Plaintiff's claims and allegations." The district court is not afforded discretion of which cases they would like to entertain. The SCOTUS is afforded that ability.

In addition, "a *pro se* plaintiff's complaint, 'however inartfully pleaded,' must be held to 'less stringent standards than formal pleadings drafted by lawyers' . . ." *Hughes v. Rowe*, 449 U.S. 5, 10, n. 7, 101 S.Ct. 173, 66 L.Ed.2d 163 (1980) (quoting *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d

652 (1972)). Many issues such as Bribery (by the judges, Sapan, and Attorney Defendants), established declaratory decree by Anderson, Negligent Hiring and Supervision by Gutierrez, Judicial Defendants owning stock in AOL/Verizon (Ex.13, App.76a-156a and Ex.1, App.40a-43a), the pattern of racketeering displayed in the RICO Complaint (see Compl. ¶¶68-470 pp. 37-146 and Ex.14, App.157a-174a), Mail, Wire, and Honest Services Fraud, and so many more issues were never addressed (Ex.15, App.175a-183a).

The Dist. Court Order is a clean sweep dismissal utilized as a cover up based on manipulated facts and omission of evidence that actually are in the Complaint and throughout the exhibits appended by Sawicky in the lower courts. The lower courts knew they did not have any legit legal arguments to counter Sawicky's claims (which is why 3 judges recused themselves and 3 attorneys no longer represent Respondents) so they panicked and committed multiple crimes while committing fraud by/on the court. Why was Honest Services Fraud not even addressed in any order from the courts? It was all in the RICO Complaint. (Ex.15, App.175a-183a) Instead of rewarding Petitioner for having the courage to speak truth to power the lower courts launched an all out war for daring to correct the obvious wrongs. To describe *Christine Sawicky v. Tao Sykes et al* as "improperly dismissed" by the lower courts displaying complete abuse of power and bias would be an understatement. The appellate court enabled this illegal behavior by affirming the Dist. Court's Order while committing more fraud on/by the court. This is unacceptable.

B. District Court

On 3/16/2021 Anderson established declaratory decree by threatening Sawicky in the denial of her credible Fraud on the Court Motion for *Sawicky v. AMC*.

“Plaintiff shall file no further motions, applications, requests, letters of correspondence, or other documents in the Central District of CA in this closed case. Any further attempts to file documents in this closed case, with the exception of a Notice of Appeal, will be rejected and returned to Plaintiff without being filed. The court further certifies that any appeal from this Order is not taken in good faith under 28 U.S.C. § 1914(a) and is frivolous without merit and does not present a substantial question within the meaning of 28 U.S.C. § 753(f). The Court therefore denies any future motion, application, request, or other document seeking leave to appeal this Order in forma pauperis.”

(Ex.10, App.72a-73a) Anderson’s abrasive Order didn’t make sense to Sawicky. Why would he threaten a *pro se* in this manner? What did they have to hide?

Sawicky started investigating the history of Anderson/Real after this order and found the disposition pattern of cases they resided over making them personally financially well off. Sawicky requested the financial disclosures for Respondents on 8/13/21. Contrary to Order dkt #255 Sawicky was extremely diligent contacting the financial disclosures office at least 18 times prior to dismissal of the Complaint via email/

calls. (Ex.16, App.184a-185a) The *Wall Street Journal* investigation results for federal judges came out in September of 2021. Sawicky's gut feeling was accurate. Follow the money. Based on these findings, Petitioner filed her RICO complaint titled *Christine Sawicky v. Tao Sykes et al* inclusive of the following counts: 1. Civil RICO, 18 U.S.C. § 1962(c) a. Mail and Wire Fraud, 18 U.S.C. §§ 1341, 1343, & 1346 b. Obstruction of Justice, 18 U.S.C. §§ 1503, 1504, 1505, & 1519 c. 18 U.S.C. § 1961(c) California Judicial Bribery Statute, Cal. Penal Code §§ 92 and 93. 2. Civil RICO, 18 U.S.C. § 1962(d). 3. Fraudulent Deceit, Cal. Civ.Code § 1709. 4. Common Law Fraud 5. Bane Act, Cal.Civ.Code § 52.1 and 42 U.S. Code § 1983 Civil Deprivation of Rights 6. Negligent Hiring and Supervision. (Ex.17, App.186a-187a)

The filing of this Complaint sent the District Court into an absolute tailspin creating chaos, imploding the court from within, as they made one rash decision after another attempting to stop their fraud by/on the court from being exposed by Petitioner. Every step of these judicial proceedings were tainted by judicial fraud which displayed numerous acts preventing the Dist. Court from performing in the usual manner its impartial task of adjudging *Sawicky v. Sykes*. (*American Home Assur. Co. v. American Fidelity*, 261 F. Supp. 734 (S.D.N.Y. 1966)). Petitioner was denied due process and her 14th Amendment constitutional rights of equal protection under the laws of the United States. On 11/18/2021 this case was assigned to the Honorable Gee. Petitioner immediately started the service of the Complaint by servers in 4 different states and agreed to a 30 day extension for all Respondents allowing them ample time to answer. In the service of the

Complaint for Smith/Anderson/Watford (Watford as an attorney worked for Gibson Dunn and represented Verizon in litigation prior to becoming a 9th Circuit Judge (Ex.1, App.40a-43a)) court employees intentionally told the server the incorrect address to serve the Complaint with the hopes that it would not be deemed a good service. The Pasadena branch for the 9th Cir. had security tell the server he could not serve the documents there even though that is Watford's place of employment.

These schemes did not succeed. The proper service of Smith on 12/21/2021 ignited an all out attack on the server (screaming over the second floor railing attempting to get security to stop him) causing him to frighten for his life. The proper service for Anderson on 1/5/2022 ignited a similar response. The security guard for the courthouse even called Sawicky attempting to intimidate her telling her that she had to "have her server come pick up the documents he left and that he couldn't do this." They even got courthouse head of security on the phone and he would only follow the court rules when Sawicky asked him "if he was in the business of blocking service?" Sawicky then directed him to give the documents back to the courthouse employee they were left with so they could be properly handed to Anderson. On 1/5/2022 the Honorable Gee set a scheduling conference for 2/18/2022 even though most Respondents had not been served. On 1/6/2022 Mr. Bilek filed an Answer for some Municipal Defendants and Sapan's attorney (Ms. Samplin) made an appearance with a stipulation for an extension of time. Ms. Samplin's appearance came after the lapse of Sapan's first answer due date. Ms. Samplin (Gibson Dunn law firm) also represents AOL,

Verizon, and AMC in other litigation. (Ex.18, App.188a-191a) On 1/7/2022 the District Court told Tao Sykes to refuse service of the Complaint. Tao Sykes is the beneficiary of Manuel Real who presided over *Sawicky v. AMC*.

The Courts cannot direct a defendant for a case docketed in their courthouse to refuse service even if it is the wife of one of their deceased judges. Proof of this was appended by Sawicky in the Dist. Court/Appellate Courts. (Ex.19, App.192a) On 1/18/2022 Mr. Sammartino filed a Motion to Dismiss for Litigation Defendants with a 21-day harbor notice of motion under FRCP 11 for possible sanctions. Mr. Sammartino expected this notice would cause Sawicky to drop her case and frighten her into silence. It did not. As time lapsed, opposing counsel continued to engage in "unconscionable" schemes to deceive or make misrepresentations through the court system (specifically that Sawicky didn't properly serve Defendants . . . which she did.) When those schemes didn't stop Sawicky Respondents turned up the heat. They tampered with/embezzled Sawicky's mail. Sawicky was aware that she was required to serve a copy of the RICO Compl. via USPS certified mail for all Defendants that were government employees to the DOJ and the Civil Process Clerk of CA with a return receipt to be filed with the Dist. Court to prove service. On 1/19/2022 Sawicky was forced to contact Ms. Brotherton/Ms. Dukes in USPS Consumer Affairs, Wash. D.C. for mail tampering/embezzlement by Respondents and opposing counsel. This investigation included 17 service requests inquiring about the whereabouts for numerous Complaints and the return receipt cards. On 1/20/2022 Sawicky received a call from Mr.

Alston (USPS cust. service center) stating that he was directed to close 17 service requests that were opened looking into the whereabouts of either the delivery of the RICO Compl. (Anderson specifically) and the missing return receipt cards. Mr. Alston wanted to tell Sawicky first before closing them because "something was seriously wrong and he didn't feel comfortable closing them." Mr. Alston then forwarded Sawicky to his boss Mr. Turner who then forwarded Sawicky to Ms. Dukes again.

The aforementioned actions demonstrate that the impartiality of the Dist. Court was damaged beyond repair. Respondents were being protected. Mr. Varshovi and the U.S. Attys Office of CA spearheaded these unconscionable plans or schemes which were designed to improperly influence the Court in its decision." See *England v. Doyle*, C.A. 9th, 1960, 281 F.2d 304, 309 therefore committing fraud on the court. On 1/21/2022 Mr. Cantrell made an appearance for Litigation Defendants. On 1/25/2022 Sawicky opposed Mr. Sammartino's Motion to dismiss as he did not follow Rule 7-3 for a proper meet and confer. On 1/28/2022 Mr. Sammartino's Motion to Dismiss was denied for not following court rules but he was allowed to refile. (he refiled it on 1/31/2022). (App.37a-38a) On 2/3/2022 Mr. Bilek filed the joint 26(f) report (this took place without Judicial Defendants.)

When the schemes in the delivery of the RICO Compl. couldn't stop Sawicky the lower courts and opposing counsel/Respondents implemented another one. On 2/4/2022 Mr. Varshovi, for Judicial Respondents, filed an *ex parte* application to file an Amicus Brief. This "amicus brief" was actually a motion to dismiss. Two entirely different documents. That *ex parte*

application was granted on 2/9/2022. New return receipt cards and a letter was populated by USPS Consumer affairs in Washington D.C. on 2/9/2022 for Defendants Taylor, Gutierrez, Sandoval, Duggan, Brennan, Dejoy, Smith, Watford, Ventura, and Schlund showing proper service by Sawicky (Ex.20, App.193a-195a) as their original whereabouts were nowhere to be found. This letter cemented that Sawicky's mail was being tampered with/embezzled. On 2/10/2022 the Honorable Gee *sua sponte* continued the scheduling conference from 2/18/2022 to 3/11/2022. On 2/11/2022 Mr. Varshovi filed a motion to dismiss on behalf of Judicial Defendants advancing misstatement of material facts (this Motion to Dismiss was granted even though Sawicky appended numerous exhibits showing Mr. Varshovi's court rule violations/inaccuracies.)

Typically the court would impose sanctions "on their own" against Mr. Sammartino and Mr. Varshovi for violating court rules but they were not reprimanded. Mr. Varshovi and the U.S. Attys Office of CA had so much improper influence exerted on the Court. Mr. Varshovi attempted to "play the judge" telling Sawicky when the deadline was for her to file an opposition to his motion. "PLEASE TAKE FURTHER NOTICE that pursuant to Cen. Dist. Local Rule 7-9, the deadline for Plaintiff to file any opposition to this Motion is no later than twenty-one (21) days before the date designated for the hearing of the motion." (Dkt #126 Notice of Motion and Motion p. ii Lines 23-25) Sawicky emailed Mr. Varshovi on 2/19/2022 stating the following:

"I recognize that you are not interested in a proper meet-and-confer and are going to continue to file motions according to your own will in violation of Rule 7-3. I would like to

remind you that I am aware of deadlines for my oppositions to your motions. There is no need to notify me of deadlines as that is the judge's obligations."

(Ex.21, App.196a). When Mr. Varshovi couldn't get around the massive investigation by USPS into his clients he resorted to deciding for the Courts and his Postmaster clients that they were served in their official capacity so the Dist. Court could corruptly apply sovereign immunity.

Regardless of the number of exhibits appended by Sawicky displaying Brennan/Dejoy were served in their individual capacity the Order still dismissed this lawsuit against them. (Dkt #141 & 144) (Ex.22, App.197a) Exhibits and facts did not matter in this case. All hell then broke loose in the Central Dist. Of CA Dist. Court on 2/16/2022 when the Hon. Gee decided to recuse herself because she "knew several of the defendants." (App.31a-32a) When Sawicky filed her RICO Compl. on 11/17/2021 the Hon. Gee was aware that she knew those Defendants then. The Courts refused to docket Sawicky's oppositions to the motions to dismiss and waited to see if they had legal standing. They did. Hence the recusal. The Hon. Gee didn't want to sink her colleagues. On 2/17/2022 Mr. Cantrell filed motion to dismiss for Litigation Defendants. On 2/18/2022 Mr. Varshovi filed a motion to dismiss for Postmaster Defendants. The Honorable Snyder recused herself on 2/25/2022 (App.29a-30a). On 2/28/2022 Mr. Sammartino humiliated himself by filing a motion for sanctions against Petitioner comparing her lawsuit to "air missile strikes on Libya." That motion was of course denied. On 3/1/2022 the Hon. Fitzgerald recused himself which then trans-

ferred the case to the Hon. Klausner (Fitzgerald was being represented by Varshovi in another lawsuit filed by a *pro se* utilizing the same tactics for its disposition as he did for Sawicky's (Ex.23, App.198a-200a) On 3/2/2022 Mr. Bilek filed a motion to dismiss for Schlund/Taylor.

The Hon. Klausner became the new fall guy and it appeared as if things were going to be put back on track for this case. Sawicky couldn't have been more wrong. Sawicky inquired about her opposition/appendix to Schlund/Taylor's dismissal motion (Dkt #160) not being docketed via email to Joseph Remigio (Klausner's clerk) on 3/28/2022 since it was delivered and signed for on 3/9/2022 (this was just one of the documents Sawicky had to practically beg to get docketed in violation of the District Court's 72 hour docketing Rule). Mr. Remigio first asked for Sawicky's opposition to be resent on 3/30/2022 but then confirmed he found the scanned documents and stated he would "docket them shortly." He did not. In this same email Mr. Remigio stated the Motions were being "taken under submission" with the hearing coming off the calendar and the Court's ruling would be issued. (Ex.24, App. 201a-204a). On 3/31/2022 ALL motions to dismiss were taken under submission and the hearings were vacated. On 4/22/2022 the Honorable Klausner came out with an omnibus order granting all motions to dismiss. He even granted "*sua sponte*" dismissal for Municipal Defendants even though a motion to dismiss was not filed by them. (App.11a-26a)

The Dist. Court order was procured through fraud on/by the court displaying a direct assault on the integrity of the judicial process. (*Lockwood v. Bowles*, D.C.D.C. 1969, 46 F.R.D. 625, 632.)) On 4/25/2022

Mr. Sammartino's Motion for Sanctions was denied. On 5/9/2022 (after the dismissal of the case) the appendix showing that Mr. Bilek and the Order was a complete fraud was docketed even though it was stamped filed on 3/9/2022. (Ex.25, App.205a-206a) Mr. Bilek for Municipal Respondents had so much improper influence that over 200 damaging exhibits were not docketed until after the dismissal of the case. Mr. Bilek continued to present intentional misrepresentations of the facts to the Court claiming several investigations took place and that his Municipal Defendants "did their job." The delay of docketing the Appendix debunking Mr. Bilek's fake narrative in the order was intentional. Mr. Remigio and opposing counsel were working in a collaborative effort to get Sawicky's case improperly dismissed. Sawicky made numerous attempts to try and get all documents docketed via email to Mr. Remigio especially Dkt #168. Dkt #168 to this day only shows the appendix as attachment #2. The appendix is not there it is just a FedEx scan of when it was delivered. (Ex.26, App. 207a-208a) This appendix showed the financial racket, exact copying for GUHH and Petitioner's copyrighted works SOTL, and controlling case law *United States v. Frega* notes showing bribery is not covered by judicial immunity.

Sawicky even attempted to get PACER to correctly docket this appendix and they blamed pacer.gov. (Ex.27, App.209a-210a). The truth and facts about this case were being distorted/concealed (over 300 damaging exhibits) in real time and no matter how many requests Sawicky made to get the record straight they still would not do their job. (*Pumphrey v. K.W. Thompson Tool Co.*, 62.F.3d 1128 (1995) and *Hazel-*

Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)). Mr. Remigio was acting as Plaintiff was the problem in this case when all she wanted was to get her documents on the docket like any other normal case. Again, there was no sign that a judge existed.

The Order that came out (displaying Fraud on/by the Court) dismissing the entire case on 4/22/2022 was sickening. (App.11a-26a) The scheme by the Dist. court to put all Motions under submission was not to do “research” nor to write a proper order. Petitioner addressed all misstatement of material facts, manipulation of court rules, and misplaced case law for the Dist. Court Order in her appeal. (Ex.28, App.211a-249a) In September of 2022 Petitioner was forced to submit the omnibus dismissal Order to the West Law database on her own. Prior to that, the only Order Westlaw displayed was the motion for sanctions being denied describing Sawicky as “misguided.” The Dist. Court/opposing counsel were attempting to conceal from the legal database that they actually penned “predetermining the outcome of a court case and bribery of a judge are covered by judicial immunity.” They were embarrassed of their own order. Of course it remains unpublished and most elements of this case are not even visible on justia.com nor published by any other legal reporters online.

C. Appellate Court

Petitioner appealed the sham Dist. Court Order on 5/17/2022. Petitioner’s appeal shredded the Dist. Court Order line by line . . . section by section . . . Respondent by Respondent, opposing legal argument by opposing legal argument. (Ex.28, App.211a-249a) Mr. Bilek for Municipal Respondents was replaced by Mr. Walsh on 5/26/2022. This came as no surprise to

Petitioner as a fraud on the court motion loomed containing numerous illegal acts directed/managed by Mr. Bilek. Sawicky's Opening Brief was filed on 6/30/2022 along with supplemental records that included the suppressed exhibits from the Dist. Court. The appellate court also suppressed those exhibits. On 7/11/2022 Petitioner sent the Appellate Court a letter of correspondence making them aware of the suppressed exhibits in the District court and her numerous attempts to correct the record. (Ex.29, App.250a-253a) On 8/15/2022 the appellate court granted a streamline request for an extension of time for all Respondents to file their Answering Briefs even though most of them never requested it. On 8/17/2022 Mr. Majchrzak (the president of the state bar of San Diego) replaced Mr. Sammartino for Litigation Respondents and he filed Supplemental records.

This also came as no surprise considering Mr. Sammartino was in violation of meet and confer rules and his phony motion for sanctions against Petitioner was denied. Maybe he developed some sort of conscience? Mr. Majchrzak's appearance along with approximately 17 other powerful attorneys/paralegals speak volumes as to the credibility of Petitioner's case. You don't bring a bulldozer to tear down a chicken coup. On 8/18/2022 Sawicky filed motions for leave to file a Rule 60(a) in the appellate court to correct the record, for a stay on the appellate decision, and a streamlined request for an extension of time. On those same dates she filed in the Dist. Court a Rule 60(b)(1) and a Rule 60(b)(2) motion (a request for indicative rulings for these motions were filed on 9/8/2022.) The Dist. Court would not docket those motions until 9/2/2022. The Dist. Court judge moved the hearing

date for those motions from 10/24/2002 to 10/11/2022. On 8/18/2022 the first answering brief was filed by Mr. Majchrzak which contained misstatement of material facts and manipulated case law. On 8/25/2022 Mr. Majchrzak opposed Sawicky's motion for correcting the record, stay on the appellate decision, and her request for an extension of time.

What attorney opposes correcting the record? What court does also? A kangaroo court does. The appellate court should have corrected the record *sua sponte* as they had the power to do so. Respondents had so much to hide that their tactic was to hurry up and just get rid of this case without having to correct the record while bombarding Sawicky with paperwork. On 8/26/2022 Sawicky filed a motion in the appellate court to be able to file an oversized answering brief because Mr. Majchrzak was relitigating the entire case and this was just 1 of 5 answering briefs that were going to be filed. On 8/29/2022 Sawicky filed a motion for an extension of time because her streamlined request was still not granted from 8/18/2022. On 9/2/2022 the appellate court denied the leave request to correct the record unless the dist. court was willing to entertain the Rule 60 motions, denied the stay on the appellate decision, and granted the extension of time and the oversized brief requests. On 9/12/2022 Petitioner filed a Rule 60(b)(4) motion, a Rule 60(d)(3) motion, and a Request for change of venue motion (due to extreme bias) in the District Court (a request for indicative rulings for these motions were filed on 9/19/2022.) The Dist. Court described these Rule 60 motions as "rash" only because they exposed their fraud, misstatement of material facts, miscited case law, and the stockholdings of Anderson/

Real in Verizon/AOL. On 9/13/2022 and 9/15/2022 opposing counsel filed requests to strike all Rule 60 motions and the change of venue motion for “not following the rules and asking for leave.” Only Rule 60(a) motions require leave from the appellate court so petitioner was following all the rules. This was just more manipulation of court rules presented by opposing counsel. On 9/14/2022 Ms. Cheh replaced Mr. Varshovi for Judicial Defendants and Mr. Cantrell filed the 2nd Answering Brief for Litigation Defendants.

Ms. Cheh’s substitution for Mr. Varshovi was expected by Petitioner as he was the ringleader for fraud on the court in the Dist. Court. On 9/12/2022 and 9/19/2022 Petitioner notified the appellate court that all Rule 60 Motions/request for change of venue motion had been timely filed in the Dist. Court as well as the request for indicative rulings. On 9/20/2022 Ms. Cheh filed a Motion for Summary affirmance and a motion to stay appellate proceedings (this was one day before her Answering Brief was due for Judicial/Postmaster Defendants and she had 83 days to file the Answering Brief.) In this motion she claimed that judges are given absolute immunity and that the Postmasters are given sovereign immunity. The shortcomings of Ms. Cheh’s motion were already discussed by Petitioner in her appeal. (Ex.28, App.211a-249a) Ms. Cheh continued to sidestep all non-judicial acts listed in the RICO Complaint. On 9/21/2022 the third Answering Brief was filed for Sapan. On 9/23/2022 the fourth Answering Brief was filed for municipal defendants and Sawicky opposed Ms. Cheh’s motions for summary affirmance (because bribery/kickbacks to a judge pierces the veil of judicial immunity and

sovereign immunity doesn't apply to postmaster defendants) and stay on the appellate proceedings.

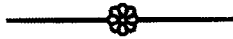
On 9/26/2022 the fifth Answering brief was filed for Municipal Defendants. On 10/6/2022 and 10/19/2022 the Dist. Court took all Rule 60 motions/request for change of venue motion "under submission". On 10/20/2022 Petitioner filed a timely reply brief along with a letter of correspondence to the appellate court making them aware that the Dist. Court had over 30 days to indicate how they would proceed ruling on the Rule 60/change of venue motions which they had not done. She also made the appellate court aware that the timelines were criss-crossing and that the appellate court denying her stay on the appellate decision until these indicative rulings came in was detrimental to the case. The appellate court illegally altered the docket making it appear as if this letter for indicative rulings was sent in after the Reply Brief. They deleted the correct entry on the docket that was filed on 10/20/2022 at 1:39 pm and refiled it at 3:33 pm. They filed Sawicky's Reply Brief on 10/20/2022 at 1:41 pm. At 2:08 pm on 10/20/2022 the appellate panel decided that the "questions raised on this appeal are so insubstantial as not to require further argument. The motion for summary affirmance is granted. All other pending motions are denied as moot." This was all without the Rule 60 indicative rulings from the Dist. court in violation of their own court rules of hearing issues for the first time on appeal (Ex.30, App.254a).

Due to all the altering of the docket to come out with this affirmation, Sawicky filed a motion for reconsideration and a petition for a rehearing *en banc* on 10/26/2022. Of course those were denied almost 4

months later on 2/22/2023 and they treated the petition for rehearing *en banc* as a motion for reconsideration *en banc*. (App.39a) Those two motions contain entirely different content. The court cannot combine them. Petitioner was requesting that the entire appellate court *en banc* verify that bribery of a judge is covered by judicial immunity. Her motion for reconsideration was based on new facts which were the altering of the docket timeline in order to affirm the Dist. Court Order and deny motions without indicative rulings. Petitioner felt like she was in the twilight zone instead of a lawsuit during these legal proceedings. The insane efforts by both lower courts/opposing counsel to protect criminals is a disgrace to this country.

This case was about the diabolical and illegal racketeering efforts by some of the United State's most powerful men, women, and their representatives—here to corruptly use the Central District of California/Ninth Circuit Court of Appeals/SCOTUS judicial system via bribery/kickbacks or extortion—with knowledge that others were similarly conspiring. (*United States v. Shenberg*, 89 F.3d 1461, 1471 (11th Cir. 1996)) Respondents in this case knew Anderson and Real were compromised judges and that the “Good Ole Boys Enterprise” could (and has) function flawlessly for their cases. The chief judge, Gutierrez, of the Central District of California Courts would assign cases to Anderson and Real. Anderson and Real knowingly would accept these cases with the intent to alter the outcomes to rule in favor of the person/company they desired bringing them personally hundreds of the thousands if not millions of dollars once the altered cases were ruled upon. This entire

case thus far violates Petitioner's 14th Amendment constitutional rights. Sawicky basically copied the *United States v. Frega* legal proceedings and allegations. Those judges/attorney are in jail while Respondents are not.



REASONS FOR GRANTING THE PETITION

The District and Appellate Court's obligations-or lack thereof- to provide a non-bias judgment for *pro se* litigants regarding Honest Services Fraud via bribery/kickbacks to judges filed in federal court while applying the law with uniformity is an important federal condition that needs to be addressed.

Honest Services fraud is defined in federal statute 18 U.S.C. § 1346 as a scheme to defraud another of the intangible right to honest services through a scheme to violate a fiduciary duty by bribery or kickbacks. Federal judges have a fiduciary duty to act only for the benefit of the public. Federal courts have generally recognized two main areas of public-sector honest service fraud: bribery (direct or indirect), where a public official was paid in some way for a particular decision or action, and failure to disclose a conflict of interest, resulting in personal gain.

The Court should grant certiorari under Supreme Court Rule 10(a) and resolve the current circuit split. Also, the Court should grant certiorari to address the bias against *pro se* litigants when they are being

denied due process and their 14th Amendment constitutional rights.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I. THE COURT SHOULD ADDRESS THE APPELLATE COURTS CURRENT CIRCUIT SPLIT WHEN DETERMINING A VIOLATION OF HONEST SERVICES FRAUD VIA BRIBERY/KICKBACKS CASES.

A. The Circuit Courts are split, creating two opposing rules governing District Courts thereby providing great inconsistency/contradiction when deciding upon honest services fraud via bribery/kickbacks of a judge.

In the Eighth Circuit *United States v. Thomas David Carruth*, 528 F.3d 845 (11th Cir. 2008) bribery of a judge is illegal. According to the DOJ's press release 22-8 (1/5/2023) "a former local district court judge in Arkansas, Thomas David Carruth, is charged by indictment with three counts of honest services wire fraud . . . one count of bribery, one count of making false statements, and one count of obstruction of justice." (Ex.31, App.255a-256a)

In the Fifth Circuit *United States v. Delgado*, 984 F.3d 435 (5th Cir. 2021) case # 19-20697 bribery of a judge is illegal. According to the DOJ's press release 19-758 (7/11/2019)

““a Texas state District judge was convicted of bribery and obstruction. Following a six-day trial, Rodolfo “Rudy” Delgado, 65, of Edinburg, Texas, was convicted of one count of Conspiracy; three counts of Federal Program Bribery; three counts of Travel Act Bribery and one count of Obstruction of Justice. Delgado was originally charged in Jan. 2018 by complaint, and then indicted in Feb. 2018. “Corrupt judges can harm a Community’s confidence in our judicial system.” “Today’s verdict takes an important step toward restoring that confidence, and affirms that no one—especially not a judge—is above the law.” “The bribery of a judge may be the worst break of the public’s trust in government,” said U.S. Attorney Patrick. “Rudy Delgado used his position to enrich himself. He didn’t just tip the scales of justice, he knocked it over with a wad of cash and didn’t look back. Delgado’s actions unfairly tarnish all his former colleagues.””

(Ex.32, App.257a-259a)

In the Ninth Circuit *United States v. Patrick Frega, G. Dennis Adams, and James A Malkus*, 933 F. Supp. 1536 (1966) bribery of a judge is illegal. According to Justia US Law the Court was confronted by

““grave allegations of a twelve year pattern of judicial corruption in the California Superior Court system in San Diego.” “The 45 page, 18 count indictment by the U.S. Atty’s Office charged that *Frega* gave former judges gifts with intent of influencing or rewarding them in regard to cases in which he was counsel of record and in which they were presiding, and that the judges accepted these gifts with the understanding that they would be corruptly influenced. Count 1 charges bribery and counts 2-17 charge mail fraud in violation of 18 U.S.C. §§ 1341, 1346, and Count 18 charges *Frega* with racketeering in violation of U.S.C. § 1962. “*1539 The mail fraud counts are based on an alleged scheme to “defraud the people of the State of California by depriving them of their right to the honest services of judges of the State Superior Court in San Diego County performed free from bribery, undue influence, and deceit” Alan Bersin, U.S. Attorney””

(Ex.33, App.260a-261a)

In the Ninth Circuit *Christine Sawicky v. Tao Sykes et al* bribery/kickbacks of a judge are protected by judicial immunity. Petitioner is a *Pro Se*. The DOJ did not have a press release announcing indictments. They represented the judges. “The Judicial Defendants are protected by absolute immunity.” “Accordingly, judicial immunity applies even in the face of allegations of conspiracy or bribery.” (App.16a-17a)

B. The Ninth Circuit Court is split within itself creating two opposing rules of governing District Court's determining factors when deciding upon Honest Services Fraud by federal judges.

In the 9th Circuit, *United States v. Patrick Frega, G. Dennis Adams, and James A Malkus*, 933 F. Supp. 1536 (1966) and *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) display an intra-circuit split. As exhibited by Petitioner in the aforementioned arguments, the DOJ/Circuit Courts show substantial inconsistency in the application of the laws in violation of the 14th Amendment. *Ashelman v. Pope* displays the Ninth Circuit overruling their own prior rulings for *Beard v. Udall*, 648 F. 2d 1264 (9th Cir. 1981) and *Rankin* in order to apply immunity for a judge against a *Pro Se*. "The judges' ultimate acts in *Beard* and *Rankin* were obviously judicial in nature." In *Sawicky v. Sykes et al* the ultimate acts were not judicial in nature (Ex.34, App.262a-271a) Sawicky alleged judges' acts that were not judicial in nature. (Compl. ¶4, ¶267, ¶438, ¶451, ¶464, ¶562, ¶563 p. very bottom of 263-274, ¶1, ¶523, ¶540, ¶543, pp. 283-284 Lines 16-28, 1-11, p. 296 Lines 3-8, ¶¶471-499)) In *Sawicky v. Sykes* the order states "the Judicial Defendants are protected by absolute judicial immunity." (App.16a-17a)

Ashelman v. Pope, 793 F.2d 1072, 174 (1986) states "the immunity afforded judges and prosecutors is not absolute." A judge lacks immunity where he performs an act that is not "judicial in nature. *Stump v. Sparkman*, 435 U.S. 349, 360, 98 S. Ct. 1099, 1106, 55 L.Ed.2d 331 (1978). The factors relevant in determining whether an act is judicial "relate to the nature of the

act itself, *i.e.*, whether it is a function normally performed by a judge, and to the expectations of the parties, *i.e.*, whether they dealt with the judge in his judicial capacity." *Sparkman*, 435 U.S. at 362, 98 S. Ct. At 1107.

Petitioner alleged in her complaint that Respondents Managed /directed a RICO enterprise through their chambers via bribery/kickbacks which allowed them to become personally financially (illegally) well off by altering the outcomes of cases (spoilation of evidence, suppression or omission of damaging exhibits, and establishing declaratory decree etc.) while manipulating the stock market, via cases they resided over and committed securities fraud/honest services fraud at minimum which is not a "function normally performed by a judge, and nor to the expectations of the parties." When Sawicky paid her filing fees to the lower courts it was not a donation. It was a fee paid with the expectations of getting a fair trial/due process for a case. Plaintiff did not expect to have judges committing honest services fraud while directing/managing a RICO enterprise through their chambers, as they owned stock in AOL/Verizon, that have a long-term carriage deal with AMC Networks (Japan) so they were bias committing multiple crimes for their personal financial benefit via bribery/kickbacks in *Sawicky v. AMC Networks, Inc.* and *Sawicky v. Sykes*. If Sawicky knew that she wouldn't have filed her lawsuits because it is a waste of money and rigged. In addition, judicial immunity does not shield judges from criminal liability for fraud or corruption, or for soliciting or accepting bribes. (see *Braatlien v. United States*, 147 F.2d 888 (8th Cir. 1945))

This is as it should be; although important, the purposes of the doctrine of judicial immunity is not so important that they transcend the function of the criminal law to protect the public from crime, especially crime as egregious as fraud, corruption, or bribery. As a consequence, judicial immunity stops short of protecting criminal behavior. Sawicky's dismissal Order clings to *Ashelman v. Pope* by an *en banc* hearing which is a fictitious application of judicial immunity mentioned in only 12 Federal cases via the entire Westlaw Database. 7 of those cases are *pro se* cases. (see *Terrell v. Brewer*, 935 F.2d 1015 (9th Cir. 1991), *Medley v. Theirbach*, *Ezell v. City of Los Angeles*, Case No. CV 18-6785-DMG-KK (C.D. Cal. 2018), *Ingram v. Long Beach Superior Court*, Case No. CV 18-3637-DOC (KK) (C.D. Cal. 2018), *Hayward v. Hillman, Samuel v. Michaud*, 980 F. Supp. 1381 (D. Idaho 1996), and *United States v. Horob*, 735 F.3d 866 (9th Cir. 2013)). *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) cited in the Dist. Court's Order is "fictitious unconstitutional reserved case law" utilized by Respondents and the lower courts to illegally dismiss Complaints against *Pro Se* litigants. The ultimate acts (bribery/kickbacks/etc.) by Respondents are illegal/despicable and pierce judicial immunity.

Controlling case law was addressed in the RICO Compl. comparing *Sawicky v. Sykes* to *United States v. Frega*. (see Compl. ¶¶471-499) (Ex.15, App.175a-183a) Respondents have created a criminal class on the backs of "unpublished" *pro se* cases. If ruling in favor of companies that you own stock in or have a financial interest in is a "judicial act" covered by judicial immunity, then why would the Wall Street Journal do a nationwide investigation into this if it

wasn't criminal? You investigate crimes not judicial acts. There is a whole section on Bribery and Honest Services Fraud in the RICO Complaint. (see Compl. N¶¶471-499) Page 151 ¶494 Lines 24-27 (Ex.35, App. 272a) which quotes CA's own bribery statutes in direct contradiction to judicial immunity by *Ashelman*. It is clear the lower courts did not read the RICO Complaint and they cherry-picked certain facts while omitting others to allow judicial immunity and the dismissal of the entire complaint to protect their own. In *United States v. Frega*, 933 F. Supp. 1536, 1548 (1996) it states "In 1989, Senator Biden stated on the record: [Section 1346] allowed the government to resume prosecution of those public corruption cases that involve bribes, kickbacks, and conflicts of interest, since such acts of wrongdoing deprive the public of its right to the honest services of a public official." In the *Sawicky v. Sykes* order it states "Accordingly, judicial immunity applies even in the face of allegations of conspiracy or bribery." That is a direct contradiction to controlling case law. The Dist. Court's reliance on judicial immunity is misplaced. The Order continues to state that "Plaintiff asserts in a conclusory fashion that these actions . . ." One exhibit destroys this narrative. It is an email from Plaintiff's ex telling her that "AMC tried to buy me off but they said you are becoming a pain in their ASSSSSSSS." (Ex.36, App.273a) This exhibit was appended in the Dist. Court (See also Compl. ¶447 and dkt entry # 164 exhibit A pp. 5-6). Also, all the exhibits appended and facts listed in the case of Anderson, Real, etc. owning stock in companies for cases they reside over was not conclusory. (see ¶69, ¶71, ¶77, ¶80, ¶82, ¶83, ¶89, ¶90, ¶96, ¶97, ¶99, ¶103, ¶107, ¶108, ¶113, ¶115, ¶117, ¶122, ¶151, ¶155, ¶155, ¶¶156-160, ¶¶161-162,

¶186, ¶187, ¶188, ¶¶189-200, essentially ¶¶68-470 and dkt. # 186 exhibits A-C pp. 10-42) That is the opposite of conclusory in reference to bribes/kickbacks in committing honest services fraud.

Also, Plaintiff appended documents that show the illegal financial racket Anderson/Real accomplished through their chambers with AOL, Verizon, Sapan (AMC), and Litigation Defendants (see Compl. ¶563 pp. 263-274) As with all conspiracies, the existence of such an agreement may be inferred from circumstantial evidence, *United States v. Vgeri*, 51 F. 3d 876, 879 (9th Cir. 1995), including evidence of codefendants' actions. *Taren-Palma*, 997 F.2d 525, 536 (9th Cir. 1993). Indeed "evidence of a corrupt agreement in bribery cases is usually circumstantial because bribes are seldom accompanied by written contracts, receipts or public declarations of intentions." *United States v. Friedman*, 854 F.2d 535, 554 (2d Cir. 1988). (See Compl. ¶¶3-4). After the illegal dismissal of Petitioner's Complaint the Financial Disclosures were sent to Sawicky on 5/24/2022 showing they owned stock in Verizon/AOL who are partnered with AMC.

Of course, the Rule 60(b)(2) Motion containing this newly discovered evidence was denied. The acts of the lower courts are those of cowards displaying they don't have the courage to be in their positions. Sawicky called out this illegal financial racket but the appellate court doesn't think judges taking bribes/kickbacks are "substantial" . . . "the questions raised in this appeal are so insubstantial as not to require further argument." This is one big cover up. *Sawicky v. Sykes* was dismissed because it was filed by a *pro se* in violation of her 14th Amendment rights. Nothing

further. The 9th Circuit failed to address the lower courts judicial indiscretion.

II. *PRO SE* LITIGANTS SHOULD BE PROTECTED BY THE 14TH AMENDMENT AND THEIR CONSTITUTIONAL RIGHT OF DUE PROCESS AND EQUAL PROTECTION OF THE LAWS CANNOT BE DISREGARDED.

The Court in keeping with *Haines v. Kerner*, has recognized a *pro se* litigant's 14th Amendment due process. Petitioner's filings in both the district and appellate courts were timely. The SCOTUS's examination of the lower court dockets will confirm zero deficiencies by Petitioner. In contradiction to *Haines v. Kerner*, Respondents and the lower court federal judges consistently held Petitioner to an unreasonable standard while allowing themselves to repeatedly violate court rules, alter the docket, suppress damaging exhibits, while manipulating case law. The Ninth Circuit Court of Appeals declination regarding an application for an *en banc* hearing leaves the aforementioned deficiencies unremedied. The 2023 SCOTUS has the opportunity to expand upon the case law through its prior ruling of the 1971 case *Haines v. Kerner*.

III. *PRO SE* PLAINTIFFS/PETITIONERS ARE NOT GIVEN THE SAME CONSTITUTIONAL SAFEGUARDS AS THOSE RETAINED BY REPRESENTED PARTIES.

Petitioner's case raises fundamental issues concerning whether *pro se* litigants have meaningful access to federal court. Serious due process concerns arise when the courts grant dismissal of a Complaint based on a consistent misstatement of material facts presented by opposing counsel/lower courts. As dis-

played in *Haines v. Kerner* most *pro se* litigants are not taken seriously. Petitioner has successfully brought forth a legitimate lawsuit with hundreds of exhibits /valid legal arguments. Opposing counsel/lower courts submitted legal arguments and granted orders not adhering to controlling case law. Opposing counsel/lower courts consistently advanced misstatement of material facts and manipulated rules of the court while lacking supportive exhibits. The lower courts were bias against Petitioner. This creates a monopoly which allows judges/attorneys to predetermine the outcome of cases that they reside over while manipulating the stock market making themselves financially well off. It is common knowledge that federal judges are ruling in favor of companies that they own stock in. A review of case law and case allocation to the Judicial Respondents in the Central District of CA/appellate court demonstrate a known pattern of corruption/financial kickbacks. Petitioner seeks judicial review in an effort to address this industry wide pattern of illegal financial racketeering via the CA courts by the associated-in-fact "Good Ole Boys Enterprise." In Petitioner's case despite consistently addressing Respondent's misstatement of material facts the lower courts were unmoved. Currently, *pro se* litigants are not given the same constitutional safeguards as those retained by represented parties. Petitioner's case is merit based. It is precedent setting. If this case is left unremedied the current condition of industry wide abuse and monopoly by federal judges in the judicial system will persist.

IV. THE QUESTIONS PRESENTED ARE RECURRING AND ARE OF NATIONAL IMPORTANCE TO LAW ABIDING CITIZENS IN THE UNITED STATES.

Even with the existence of circuit splits in deciding whether Honest Services Fraud/bribery of a judge and predetermining the outcome of a case are illegal this is important to resolve for future cases. If not addressed, it will constitute an unchecked and unprecedented abuse of constitutional authority. *Pro se* litigants will have absolutely no way to fight back legally against the racketeering/corruption by federal judges and the federal/appellate courts in California while being stripped of their 14th Amendment constitutional rights. A judicial system that is supposed to protect law abiding citizens is being weaponized by those monopolizing the legal industry. Petitioner was raised as an American citizen that was taught to abide by the laws. Those not abiding by the laws and utilizing abuse of power and discretion should not be tolerated. For the sake of *pro se* litigants everywhere in the U.S., this is a catastrophic decision and reason for granting cert. Petitioner refuses to turn a blind eye to the racketeering put on full display by Respondents and the lower courts. This needs to be addressed because it is a national crisis.



CONCLUSION

The lower courts have committed continuous fraud on/by the court in an extreme effort to conceal a decade-long RICO enterprise instead of prosecuting their own. This was to further conceal what they

know to be wrong. They were so embarrassed of their order that they didn't submit it to Westlaw. The details of this case cannot be found online anywhere. That is not normal. The courts have been caught and they did everything they could to stop the dam from breaking open. Mr. Majchrzak is the president of the State Bar of San Diego and opposing counsel brought him on while numerous Rule 60 Motions were being filed exposing the fraud on the court in the Central Dist. of California. *United States v. Frega*, 933 F. Supp. 1536, 1537 (1996) states "In this case, the court is confronted with grave allegations of a 12-year pattern of judicial corruption in the CA Superior Court system in San Diego." That same "Good ole Boys enterprise" that existed in San Diego now contaminates Los Angeles. This isn't Mr. Majchrzak's first rodeo. The lower courts have "so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the SCOTUS's supervisory power" in accordance with Supreme Court Rule 10 (a). The petition for writ of certiorari should be granted.

Respectfully submitted,

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